

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID ALLEN MOORE,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C24-1283-RSM-MLP

REPORT AND RECOMMENDATION

On August 16, 2024, Petitioner David Allen Moore submitted an application to proceed *in forma pauperis* (“IFP”) and a proposed 28 U.S.C. § 2254 petition in the above-entitled case. (Dkt. # 1.) On August 19, 2024, the Clerk’s Office notified Petitioner that his IFP application was deficient because it did not include a certified copy of his prison trust account statement showing transactions for the last six months. (Dkt. # 3.) Petitioner was notified he must correct the deficiency by September 18, 2024, and was warned that failure to do so could result in dismissal of his case. (*Id.*) On August 29, 2024, Petitioner filed a handwritten and largely illegible document along with copies of portions of several kites, but no prison trust account statement. (Dkt. # 4.) As of September 25, 2024, Petitioner has failed to pay the filing fee or correct the deficiency.

1 Accordingly, this Court recommends that Petitioner's motion to proceed *in forma*
2 *pauperis* (dkt. # 1) be DENIED. This action should proceed only if Petitioner pays the \$5.00
3 filing fee within **thirty (30) days** after entry of the Court's Order adopting this Report and
4 Recommendation. If no filing fee is paid within thirty days of the Court's Order, the Clerk of
5 Court should close the file. A proposed order accompanies this Report and Recommendation.

6 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
7 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this
8 Report and Recommendation is signed. Failure to file objections within the specified time may
9 affect your right to appeal. Objections should be noted for consideration on the District Judge's
10 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may be
11 filed by **the day before the noting date**. If no timely objections are filed, the matter will be ready
12 for consideration by the District Judge on **October 17, 2024**.

13 The Clerk is directed to send copies of this Report and Recommendation to the parties
14 and to the Honorable Ricardo S. Martinez.

15 Dated this 26th day of September, 2024.

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17 MICHELLE L. PETERSON
18 United States Magistrate Judge
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